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*Counsel for Certain Underwriters at Lloyd's, London  
and Certain London Market Companies*

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

In re:

THE ROMAN CATHOLIC ARCHBISHOP  
OF SAN FRANCISCO,

Debtor and  
Debtor in Possession.

Case No. 23-30564

Chapter 11

**JOINDER OF CERTAIN  
UNDERWRITERS AT LLOYD'S,  
LONDON AND CERTAIN LONDON  
MARKET COMPANIES TO THE *EX*  
*PORTE* APPLICATION OF CERTAIN  
INSURERS FOR ENTRY OF AN ORDER  
PURSUANT TO BANKRUPTCY RULE  
2004 COMPELLING PRODUCTION OF  
DOCUMENTS**

No Hearing Requested  
Judge: Hon. Dennis Montali

Certain Underwriters at Lloyd's, London, and Certain London Market Companies<sup>1</sup> (collectively "LMI"), by and through their undersigned counsel, file this joinder (the "Joinder") in the *Ex Parte Application of Certain Insurers for Entry of an Order Pursuant to Bankruptcy Rule 2004 Compelling Production of Documents* (the "Application") filed by counsel to Century Indemnity Company, as successor to CCI Insurance Company, as successor to Insurance Company of North America, Pacific Indemnity Company, Westchester Fire Insurance Company as successor in interest to Industrial Underwriters Insurance Company for policies JU835-8355 and JU895-0964 (collectively "Century") on April 2, 2024 at ECF No. 571.

The California Child Victims Act ("CVA") opened a three-year revival window, effective January 1, 2020, for previously expired child sex abuse claims. Cal. Code Civ. Proc. § 340.1. During the three-year window period, the Debtor<sup>2</sup> forwarded copies of CVA claims, mostly state court complaints or notices of claims filed and/or submitted in the Northern California Clergy Cases Coordinated Proceeding JCCP No. 5108, to counsel for LMI.<sup>3</sup> Shortly after receiving each tender, LMI responded with a coverage letter that set forth a preliminary coverage position based on the information provided, and also requested additional information, including:

- the exact date(s) of alleged abuse;
- any secret archive and personnel files pertaining to the alleged perpetrator(s);
- all other claims alleging abuse by the alleged perpetrator(s);
- all information submitted by the claimant bringing the claim, including settlement communications;
- all information from any internal investigations or law enforcement investigations;
- whether the claimant asserted prior claims and all information pertaining thereto;
- how the Archdiocese first learned of claimant's claim and when; and
- copies of all underlying insurance policies and the coverage positions provided by the underlying insurer(s) and any other insurers for claimant's claim.

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<sup>1</sup> The undersigned counsel do not represent all London Market Companies that allegedly subscribed to policies issued to the Archdiocese.

<sup>2</sup> To the extent capitalized terms are not defined herein, they take on the meaning as defined in the Application filed at ECF No. 571.

<sup>3</sup> Counsel acknowledged receipt on behalf of LMI but noted that Clyde & Co. US LLP is not authorized by LMI to accept notice of claims on their behalf and informed the Archdiocese that the notice provisions in the policies will need to be complied with. LMI reserved all rights with respect to the policy conditions pertaining to Notice.

1 The Archdiocese did not provide the requested information, except for a small number of  
2 claims, where the Archdiocese forwarded copies of claimant's "Mini-Fact Sheet" or supplemental  
3 pleading (*i.e.*, Amended Complaint, Notice of Adoption of the JCCP 5108 Master Complaint).  
4 Likewise, the only information received concerning any alleged perpetrator was provided with  
5 respect to Fr. Joseph T. Pritchard, who was named in one claim that was previously noticed to  
6 counsel for LMI.

7 LMI agree that "[t]he Insurers will be a key participant in negotiations concerning a global  
8 settlement and a plan of reorganization in this Chapter 11 case" but "[i]n order to participate  
9 meaningfully in the reorganization process, the Insurers must review the Abuse Claim  
10 Information."<sup>4</sup> Yet, despite having asked for certain Abuse Claim Information before the  
11 bankruptcy, the Archdiocese has provided little to no information to LMI and now conditions  
12 providing discovery on the execution of a protective order that LMI had no hand in negotiating.  
13 LMI have not executed the protective order (ECF No. 374) that was drafted by the Committee and  
14 Debtor because of concerns LMI have with respect to certain provisions therein, including the  
15 provision in paragraph 27 requiring that "Designated Material" be destroyed and/or returned  
16 within 30 days of the close of the bankruptcy action. LMI have expressed to the Debtor that for  
17 purposes of complying with the requirements of potential auditors, regulators, and reinsurers, such  
18 a provision would render the protective order too restrictive for LMI (and perhaps other Insurers).

19 Thus, while LMI intend to continue to work with the Debtor cooperatively to avoid the  
20 need for any Court intervention, LMI agree that the Application and accompanying Rule 2004  
21 discovery is necessary to ensure Insurers get access to the relevant information.

22 **WHEREFORE**, for the reasons stated in the Application, and further reasons stated above,  
23 LMI respectfully request that this Court enter the Proposed Order, granting the relief requested  
24 therein, and such other and further relief as may be equitable and just.

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27 <sup>4</sup> LMI reserve all rights to seek additional information as necessary, including but not limited to *all* documents  
28 exchanged between the Debtor and Committee and not just those listed in Exhibits 1 and 2 to the Application at ECF  
No. 571.

1 Dated: April 5, 2024

Respectfully submitted,

2  
3 /s/ Russell Roten

4 Jeff Kahane (SBN 223329)  
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19 /s/ Michael Norton

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